

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
CLEAN AIR BRANCH  
NOTICE AND FINDING OF VIOLATION

<b>TO:</b> Department of Environmental Services City and County of Honolulu 1000 Uluohia Street, Suite 308 Kapolei, Hawaii 96707  <b>RESPONDENT</b>	<b>NOVO No. 14-CA-EO-16</b> <i>(Please write this NOVO number on all correspondence)</i>  Re: Covered Source Permit (CSP) No. 0216-06-C  Property/Facility: In-Vessel Bioconversion Facility Sand Island Wastewater Treatment Plant
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, HAR §11-60.1-52 and CSP No. 0216-06-C, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on records reviews of excess emissions reports submitted to the DOH by the RESPONDENT, as well as DOH in-depth inspection of the facility, the DOH finds the following violation(s) alleged below. This case deals only with the violations alleged below, and the DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules	HRS, §342B-11, HAR, §11-60.1-2, HAR §11-60.1-52, and CSP No. 0216-06-C.
Nature of the Violation	<ol style="list-style-type: none"><li>1) CSP No. 0216-06-C, Attachment I, Standard Condition 6 and Attachment II, Section C, Special Condition 2: Failed to operate the waste gas burners as required on December 11, 2013, August 19, 2014, and August 21, 2014;</li><li>2) CSP No. 0216-06-C, Attachment I, Standard Condition 6 and Attachment II, Section C, Special Condition 3: Failed to operate the pilot light servicing the waste gas burners as required on October 31, 2013;</li><li>3) CSP No. 0216-06-C, Attachment II, Section D, Special Condition 4: Failed to conduct monthly visible emissions observations for each equipment subject to opacity limitations by a certified reader in accordance with U.S. Environmental Agency (EPA) Method 9 or EPA approved equivalent methods for eleven (11) months, from September 2013 to July 2014; and</li><li>4) HAR §11-60.1-52: Caused, permitted, or maintained the open burning of processed waste material being collected in a roll-off container on December 23, 2013.</li></ol>

The facts of this case and the law justify the following order.

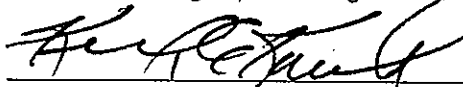
**ORDER**

You are ordered to:


1. Take corrective action within twenty (20) days after the receipt of this Order, to prevent further violations, if RESPONDENT has not already done so.
2. Within twenty (20) days after the receipt of this Order, notify the DOH of the corrective actions taken.
3. Pay an administrative penalty of **SEVENTEEN THOUSAND FOUR HUNDRED DOLLARS AND NO CENTS (\$17,400.00)** for the above violations. **Within 20 days after the receipt of the NOVO**, send a certified check to: Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. The **check should be made payable to the "State of Hawaii"** and include the NOVO reference number stated above.

This NOVO becomes final and enforceable, and the penalty becomes due and payable 20 days after your receipt of this NOVO unless before the 20 days expire, you submit a **written** request for a hearing to the Hearings Officer, Department of Health, 1250 Punchbowl Street, Third Floor, Honolulu, Hawaii 96813 and to the Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. In the request, include a copy of the NOVO. At a hearing, you may seek to avoid any penalty, and the DOH may seek the maximum penalty of Twenty-Five Thousand Dollars (\$25,000) per day, per violation. Parties may present evidence and witnesses on their behalf, and may examine and cross-examine all witnesses and evidence presented by the DOH. Parties may be represented by lawyers at their own expense, or they may represent themselves. Any hearing will follow HRS, Chapters 91 and 342B, and the DOH Rules of Practice and Procedure. After a hearing, the Director of Health or her appointee will decide the actual administrative penalty, which may be more or less than the penalty in this Order, or no penalty at all. If you have questions, please call Ms. Jill Stensrud, Supervisor of the Compliance and Enforcement Section, Clean Air Branch, at (808) 586-4200.

If you have special needs due to a disability that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing conference date.

  
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KEITH E. KAWAOKA, D. Env.  
Deputy Director for Environmental Health

**OCT - 6 2015**  
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Date

  
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Approved as to form by:  
William F. Cooper  
Deputy Attorney General